
Examination of the Submitted Richmond Local Plan

STATEMENT RELATING TO:

MAIN MATTER 17 – INCREASING BIODIVERSITY AND
THE QUALITY OF OUR GREEN AND BLUE SPACES, AND
GREENING THE BOROUGH (Policy 34 – 43)

WRITTEN STATEMENT

Prepared by:

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On behalf of:

Mr Sulinder Singh

Representor No.: 469

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WBP Ref: 6624



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Executive Summary

Mr Sulinder Singh (“Mr Singh”) has a controlling interest in a site at Heathside, Whitton, Hounslow which as explained in the representations to the Plan and this further submission should not be included in the defined Metropolitan Open Land (“MOL”) as shown on the Policies Map.

Mr Singh’s objections may be summarised as follows:

- *The Plan is **not justified** as the evidence prepared for the Plan concerning MOL did not consider (unlike the approach followed by other authorities such as the London Borough of Barnet) revisions to MOL boundaries to resolve minor anomalies. Had it done so, Mr Singh’s land would have been removed. Undertaking such an exercise would result in a reasonable alternative to the approach taken.*
- *The Plan is **not effective** as the inclusion of land like Mr Singh’s off Heathside will not contribute towards achievement of the objectives associated with the designation of MOL.*
- *The Plan is **not consistent with national policy** since the proposed boundary of the MOL at Heathside does not accord with the guidance at NPPF paragraph 143f (which whilst relating to Green Belts is equally applicable to MOL) for the reasons specified in the emerging Local Plan and the London Plan. The land does not meet any of the relevant tests for inclusions within the MOL or Green Belt.*

As indicated in the representation, the boundary of the MOL should be revised to omit the land at 56 Heathside, Whitton, Hounslow alongside similar adjustments to remove other anomalies as occurs at 65 Heathside (also illustrated in the representation).

The Inspector examining Barnet’s Local Plan has advocated the removal of any need to maintain openness of land adjoining the Green Belt. As Richmond applies this to land adjoining both Green Belt and MOL, this should also be omitted from the policy, especially as this is inconsistent with the London Plan (Policy G3).

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness detailed at paragraph 35 of the NPPF (September 2023).

CONTEXT AND BACKGROUND

- 1.1 This Statement has been prepared on behalf of Mr Sulinder Singh (“Mr Singh”), and addresses questions posed for Main Matter 17 as set out in the Inspector’s Matters, Issues and Questions for the Examination.
- 1.2 In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of Mr Singh in response to the Regulation 19 consultation.
- 1.3 Our answers to the questions should be read in the context of our position that the definition and approach to MOL is not adequately supported by robust evidence, especially given the failure to fully review the extent of the designation areas, and whether the boundaries accord with the clear guidance for Green Belts (which also applies to MOL), as part of Policy G3 of the London Plan¹.

¹ Extract included as Appendix 6.

MAIN MATTER 17: INCREASING BIODIVERSITY AND THE QUALITY OF OUR GREEN AND BLUE SPACES, AND GREENING THE BOROUGH (Policy 34 – 43)

2.1 The Inspectors' Matters, Issues and Questions pose questions with respect to policies 34 to 43. As indicated in the representation, our client's representation relates to Policy 35, specifically the geographical extent of the MOL as shown on the Policies Map. This statement only responds to those which directly relate to Policy 35 "Green Belt, Metropolitan Open Land and Local Green Space".

Inspectors' questions relevant to policy 35:

- **Are the requirements of the increasing biodiversity and the quality of our green and blue spaces, and greening the borough policies justified by appropriate available evidence, having regard to national guidance, local context, and meeting the requirements of the London Plan?**
- **Do the policies provide clear direction as to how a decision maker should react to a development proposal?**
- **Are the policies clearly written and unambiguous?**
- **Do the policies serve a clear purpose, avoiding unnecessary duplication of national policy? Is the wording consistent with national policy or is there evidence to justify any deviation?**
- **Are requirements for urban greening supported by available evidence and would they be deliverable alongside all other requirements?**
- **Is the RLP consistent with Government guidance that states 'It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for development' (PPG Paragraph: 006 Reference ID: 74-006-20240214)?**
- **Is the removal of permitted development rights for all development involving a new dwelling consistent with national policy and guidance? Is there clear evidence to support the requirement?**

2.2 As indicated in the representation, the overall approach of Policy 35 with respect to MOL is not justified, especially when considering the spatial extent of the policy. This is illustrated by the continued inclusion of land at 56 Heathside, Whitton, Hounslow within the extent of the designation, despite the land itself not fulfilling any of the

criteria for inclusion². It is acknowledged that the wider proposed MOL for parcel 45³ does primarily fulfil the criteria. However, this does not apply to the far eastern part of Heathside (including No. 56).

- 2.3 Land controlled by our clients at 56 Heathside, like that at 65 Heathside forms part of the residential curtilage⁴. Appropriate schemes for these areas cannot contribute towards the overarching objectives as indicated in Policy 34 with respect to increasing green infrastructure. Their private ownership and incompatibility with the criteria for MOL is a further indication supporting their exclusion, alongside that householder development is exempt from biodiversity net gain requirements⁵.
- 2.4 Unlike the references to the experience of reviewing MOL by other London authorities⁶, that undertaken by Richmond did not specifically consider review of anomalies as a result of digitisation errors⁷ and/or to realign boundaries to follow more recognisable permanent features⁸. This is noted as a specific factor which was explored in other MOL reviews, as noted in Table B2.1 of the Council’s “Green Belt, MOL, LGS and OOLTI Review” (2021) document (Ref. No. SD-054).
- 2.5 In preparing this statement, we have reviewed those other assessments which specifically considered digitisation errors to establish how this has informed subsequent Plan preparation. An extract of the assessment undertaken by Barnet is included in Appendix 1 alongside the corresponding change to the policy map envisaged to address an identified anomaly. This example is included as it relates to a developed site and therefore reflects that at Heathside. As indicated in the extracts of the emerging Barnet Local Plan and the Inspector’s Interim conclusions (also included within Appendix 1), this amendment has been endorsed. In the case of Barnet, the

² See part B of London Plan Policy G3 and as referenced in the representation.

³ Powder Mill (see analysis on pages 142-144 of the Annex to the Detailed Assessment (SD-054).

⁴ As illustrated in the location plans submitted for the respective planning applications, extracts of which are included as appendices 4 (65 Heathside) and 5 (56 Heathside).

⁵ As confirmed in Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024).

⁶ As referenced in Table B2.1 of the overarching report in SD-054 (Barnet, Enfield and Waltham Forest) and the representation (which referenced Enfield and Waltham Forest).

⁷ Especially where the MOL when initially defined was not captured using detailed OS maps.

⁸ NPPF paragraph 143, f with respect to those for Green Belts which equally applies to MOL.

Green Belt Study was given a specific purpose to identify mapping irregularities and help create strong defensible boundaries to the MOL. Minor adjustments were made accordingly with the majority of these being where the boundary did not match existing property or road boundaries. No such detailed or fine grained assessment has been undertaken in Richmond.

2.6 Policy G3 of the London Plan⁹ alongside Policy 35 of the emerging Richmond Local Plan emphasise that Green Belt policy applies to MOL. This then confirms a number of points with respect to Council's approach to MOL which are explored below.

2.7 Like the approach taken by Barnet, authorities with Green Belt have undertaken reviews of respective boundaries and advanced revisions to address anomalies. This is also illustrated in the approach of the emerging Mole Valley Local Plan (see extracts contained within Appendix 2). As with Barnet's Local Plan, Mole Valley is currently at the examination stage. Again, like Barnet, Mole Valley has received the Interim conclusions of their Inspector and have also undertaken consultation on Main Modifications. Consistent with the Barnet example, the Inspector examining Mole Valley's Local Plan has confirmed revisions to Green Belt boundary to address anomalies. Similarly, one of the reasons for Mole Valley's Green Belt Study was as follows:

"13. Reason 1: To align to physical feature on ground This would improve compliance with NPPF paragraph 143f, particularly in locations where the existing Green Belt boundary has no physical manifestation on the ground; for example, where it bisects existing residential curtilages. In most cases this involves moving the Green Belt boundary to a physical feature on the ground, such as a fence line, river or the edge of a highway". (Extract taken from Appendix 2b to this statement)

2.8. Finally, the Bracknell Local Plan Inspector's report identified that certain changes were necessary to the proposed settlement boundaries in order to ensure such boundaries were soundly based, logical and justified. It follows that there is a clear precedent in

⁹ Extract included as Appendix 6.

Council's taking a detailed assessment towards this issue and Inspector's endorsing such approaches.

- 2.9 The acceptance of the Inspector's examining the Mole Valley and Barnet Local Plan's to address anomalies reflects the clear advice on the choice of features for defining these (NPPF (Sep 2023), paragraph 143 (f)).
- 2.10 As indicated in our representation, the boundary of the MOL does not follow features consistent with NPPF paragraph 143(f), as illustrated by the deviation along the eastern edges of 56 and 65 Heathside, Whitton. The departure is especially noticeable given the aerial photos provided in the representation and as indicated in the extracts of the planning history relating to these two sites (see detailed appended as Appendices 4 & 5). The built development has either been approved (as at 65 Heathside) or can occur through as within the planning unit and could be achieved through permitted development. This is clearly illustrated by virtue of there being an outbuilding and part of a dwelling within the MOL designation on the northern side of Heathside.
- 2.11 Whilst both London Plan Policy G3 and emerging Policy 35 of the Richmond Plan indicate that Green Belt policy applies, the forms of acceptable development listed in the latter are more restrictive than listed in paragraph 149 of the NPPF (Sep 2023). This is especially an issue given the boundaries of MOL include garden land as illustrated at 56 and 65 Heathside¹⁰. This is therefore a further justification for amending the geographic extent of the policy as shown on the policy map, to limit this, especially as it would ensure the boundary is consistent with NPPF paragraph 143(f). It would also resolve any ambiguities over the approach towards such sites where (as indicated in the representation), it does not fulfil any of the listed criteria¹¹.
- 2.12 Our concern with the plan as drafted (and its supporting evidence base) is that an appropriately fine grained review allowing for minor boundary adjustments to enable

¹⁰ As referenced in the representation.

¹¹ As per section B of London Plan Policy G3 (extract included as appendix 6).

the MOL boundary to follow more readily recognisable and permanent physical features has not been undertaken. Instead, it is only the referenced examples of larger areas of MOL that have been considered on a wider or more strategic basis and an amendment is proposed (such as the Hampton Court Road examples). Conversely, other LPA's have undertaken a fine grained review of the MOL boundaries and logical minor boundary adjustments (to follow physical features and reflect property or road boundaries) have been made accordingly.

- 2.13 Our specific proposed minor boundary amendment to the MOL boundary is shown using a bold red line on the below annotated plan so to enable the MOL boundary to follow a more readily recognisable and permanent physical feature distinguishing the change in land use that occurs to the southeast of the red line (namely the Borough cemetery) and northwest (residential garden). The proposed MOL boundary as illustrated (also included in original representation) using a bold red line below is defined by mature landscaping (illustrated in the above photos) that does not exist on the MOL's present alignment.



Suggested Minor MOL Boundary Adjustment

- 2.14 The proposed amendment would be consistent with NPPF paragraph 143, part (f) in defining the MOL boundary clearly using a physical feature that is readily recognisable and likely to be permanent. With regard to the criteria detailed in support of London Plan Policy G3, the proposed boundary would be clearly distinguishable from the built up area in separating residential curtilage from the cemetery beyond rather than drawing an arbitrary line part way through 56 Heathside's side garden area (thus passing criterion 1). The MOL would then focus upon an open area serving a public recreational and cultural activity only (namely the cemetery use) (thus passing criterion 2). The revised MOL boundary would contain the landscape of metropolitan value (namely the cemetery), without including land that is not of national or metropolitan value (such as garden land) (thus passing criterion 3). Finally, the revised boundary would include only strategic corridors of green infrastructure (forming the cemetery) rather than private garden land (thus passing criterion 4). It is noted that a similar anomaly albeit covering a smaller strip of land (now defined by a backland style residential dwelling and carport) exists on the opposite side of Heathside at No. 65. Logically the same amendment could be made in this location. Accordingly, this is indicated using a bold red line on the above plan as well.
- 2.15 In the absence of the proposed amendment to the Policies Map, the plan as drafted fails to form the most appropriate strategy taking into account the reasonable alternative of making appropriate minor MOL boundary adjustments such as the one detailed. It is therefore neither justified or effective when considered against the tests of soundness. Further, the approach is inconsistent with national policy, in particular NPPF paragraph 143f that requires plan makers to define boundaries using a physical feature that is readily recognisable and likely to be permanent. On this basis, the proposed amendment to the Policies Map forms a necessary change having regard to the tests of soundness.
- 2.16 Finally, it is also noted that Policy 35 of the Richmond Local Plan seeks to protect views into the Green Belt and MOL. This contrasts with the approach in Barnet which only sought this from land adjoining the Green Belt. It is noted that the Inspector examining Barnet's Local Plan has advocated the removal of this requirement from their Plan which they have accepted as indicated in the Main Modifications they have consulted

upon. This should also apply to Richmond. The omission of such reference would ensure that efficient use of land outside of MOL and/or Green Belt is achieved consistent with NPPF (paragraph 119).

- 2.13 Whilst the policies map is not formally examined, the Inspector is able to advocate revisions to it to address the anomalous MOL boundary having regard to the conclusions of the Inspector who examined Bracknell Forest's Local Plan¹². For the reasons detailed, it is recommended that a further assessment upon this issue is undertaken by the Council (and considered by the Inspector's) prior to the plan being adopted.

Changes sought to the Local Plan

- 2.12 Consistent with representation and the statement, the boundary of the MOL should be revised to ensure it adheres to the clear guidance in NPPF (paragraph 143(f)). A particular location where the boundary needs changing given the discrepancies detailed in the representation and the amplification in this statement is along the boundaries of 56 and 65 Heathside, Whitton.
- 2.13 As also stated, Policy 35 should omit reference to considering impacts on openness for schemes adjoining MOL, and Green Belt. This would ensure consistency of the Policy with the London Plan (Policy G3)¹³ and the revisions advocated by the Inspectors' examining the Barnet Local Plan¹⁴.

¹² Extracts of Inspector's Post Hearing Letter and the subsequent report into examination included as Appendix 3.

¹³ See extract in Appendix 6.

¹⁴ See extract in Appendix 1.